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This request is granted as it is not opposed by Plaintiff's counsel. No further extensions! As noted at the 9/5 conference, counsel should proceed to September 11, 2012 schedule via facsimile - (914) 390-4256 depositions even if all possible relevant documents cannot be secured.

Hon. Paul E. Davison  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 420  
White Plains, New York 10601

APPLICATION GRANTED

  
Hon. Paul E. Davison, U.S.M.J. 9/11/12

Re: Preferred Group of Manhattan, Inc. v. Dooley, et al., 09-cv-04981 (VB)(PED)

Dear Judge Davison:

As you know, I am counsel to defendant Cornelius R. Verhoest ("Verhoest") in the above action.

Pursuant to Your Honor's instructions given during last week's telephone conference, this letter shall serve as our written request that the discovery deadline in this action be extended from October 1, 2012 to December 3, 2012.

The reason for this request is that we are continuing to seek discovery from co-defendant Robert J. Dooley, who has defaulted in appearing in this action. We had previously served Mr. Dooley with subpoenas seeking both documents and testimony at the beginning of August 2012, but to date, he has yet to comply with either subpoena.

As Your Honor is aware, Mr. Dooley controlled RJ Dooley Realty, Inc. ("RJ Dooley"), which is the borrower that had previously filed for bankruptcy in 2009. Mr. Dooley (who claims to be *pro se* in this action) has advised us that he had previously turned over all documents in his possession concerning himself and RJ Dooley to both the bankruptcy trustee and RJ Dooley's attorney in the bankruptcy proceeding with regards to the foreclosed commercial mortgage at issue. Mr. Dooley further advised us that he was attempting to secure these documents so that he could appropriately respond to the document subpoena served upon him in this matter.

Since Plaintiff has alleged that Verhoest is personally liable under certain limited guaranties given in connection with the mortgage taken by RJ Dooley, it is necessary for us to have the

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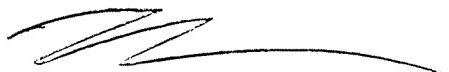
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documents concerning both Mr. Dooley's role in securing the mortgage, as well as RJ Dooley's subsequent default on the mortgage.

It is our position that once we have these documents from Mr. Dooley, we will then be able to move forward with depositions and complete all discovery by the proposed adjourned deadline.

We thank the Court in advance for its consideration.

Respectfully,



Matthew R. Maron

cc: Kenneth S. Yudell, Esq. (via email)  
Kenneth M. Block, Esq.